

CLERKS OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
APR 30 2018
JULIA C. DUDLEY, CLERK
BY: s/ MARTHA L. HUPP
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

NOTICE OF REMOVAL

COMES NOW the defendant, Wal-Mart Stores East, LP ("Wal-Mart"), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, and files this Notice of Removal to remove this action to this Court from the Circuit Court for the County of Henry, Virginia. In support of this Notice, Wal-Mart states as follows:

1. Upon information and belief, plaintiff is, and was at all times relevant hereto, a resident, citizen, and domiciliary of the Commonwealth of Virginia.
2. At the time this action commenced, and at the time of removal, Wal-Mart Stores East, LP, was a Delaware limited partnership with its principal place of business in Bentonville, Arkansas. The partners of Wal-Mart Stores East, LP, are WSE Management, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas, and WSE Investment, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC, is Wal-Mart Stores East, Inc., which is an Arkansas corporation with its principal place of business in Bentonville, Arkansas.

3. For purposes of removal, defendants John Does 1 through 2 are irrelevant. More specifically, 28 U.S.C. § 1441(b)(1) provides that “[i]n determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.”

4. The plaintiff has filed a Complaint against the defendants in the Circuit Court for the County of Henry, Virginia. A copy of the plaintiff’s Complaint and Wal-Mart’s Answer are attached hereto as **Exhibit A**, pursuant to 28 U.S.C. § 1446.

5. This Notice is filed within thirty (30) days after service upon Wal-Mart and is filed not more than one (1) year after the commencement of this action, pursuant to 28 U.S.C. § 1446(b).

6. This civil action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the amount in controversy alleged in the Complaint exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs, and the action is between citizens of different states.

7. Wal-Mart has given notice of the filing of the Notice of Removal to counsel for the plaintiff and has filed a copy with the Clerk of the Circuit Court for the County of Henry, Virginia.

7. This Court embraces the place where the state court action is pending.

WHEREFORE, Wal-Mart, by counsel, hereby give notice to this Court that this action is removed to this Court from the Circuit Court for the County of Henry, Virginia.

WAL-MART STORES EAST, LP,

/s/ Victor S. Skaff, III
Of Counsel

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2018, a copy of the foregoing Notice of Removal was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Victor S. Skaff, III
Of Counsel